

Remarks

This Amendment is in response to the Office Action dated **November 24, 2009**. The Office Action rejected claims 19-21, 23, 24, 26, 27, 30-35, and 38-42 under 35 USC § 102 over Hillstead (US 5,019,085); rejected claim 22 under 35 USC § 103(a) over Hillstead in view of Song (US 5,330,500); and rejected claims 28 and 29 under 35 USC § 103(a) over Hillstead in view of Wiktor (US 5,653,727).

Claims 19 and 34 are herein amended to fix typographical errors. These amendments are non-substantive in nature.

In light of the following comments, Applicants request reconsideration.

Claim Rejections – Section 102

In rejecting claims 19-21, 23, 24, 26, 27, 30-35, and 38-42 over Hillstead, the Office Action asserts that Hillstead discloses, “longitudinally nested wire waves (col. 4, lines 4-10; Fig. 3) with varying amplitudes and uniform windings (please see Figures 2-4).” Office Action page 2. Applicants disagree and the rejection is *traversed*.

With reference to figure 3, shown below, Hillstead discloses “a series of continuous corrugations compressed together to form a tube-like mesh of a desired length.” Column 4, lines 2-4, *see also* column 4, lines 32-34.

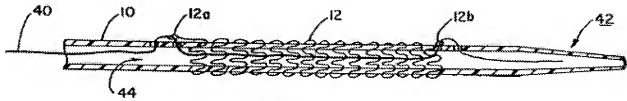
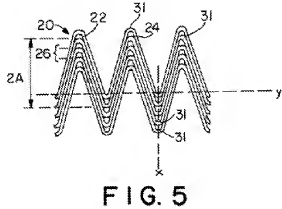
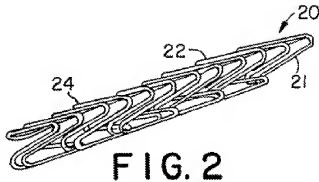


FIG. 3

Independent claim 19 recites, in-part, “the windings being non-overlappingly spaced at a pitch that is less than two times the amplitude of adjacent waves.” (Emphasis added). As discussed in paragraph [0027] of the published application and shown for example in figures 2 and 5 (included below), “nesting or stacking does occur where the pitch or spacing between longitudinally adjacent windings 24 is less than 2A i.e. the peak-to-peak amplitude. As long as the pitch remains less than 2A each longitudinally adjacent winding 24 will be nested within the wave formed by the previously formed winding 24.”



Applicants are unable to find anything in Hillstead disclosing the aforementioned recitation of claim 19. Moreover, it is unclear how the cited passage of Hillstead (col. 4, lines 4-10) is believed to disclose the claimed subject matter. Consequently, Applicants request withdrawal of the rejection of independent claim 19.

Turning to independent claims 26, 34, and 38, Hillstead further fails to disclose what is claimed in these claims. Independent claim 34 recites, in-part, that the stent waves are “non-overlappingly longitudinally nested.” Independent claims 26 and 38 include similar language.

Applicants are unable to find anything in Hillstead disclosing nested waves. As such, Applicants request withdrawal of the rejections of independent claims 26, 34, and 38.

Dependent claims 20, 21, 23, 24, 27, 30-33, 35, and 39-42 depend from independent claims 19, 26, 19, 26, 34, and 38, respectively. These claims are therefore patentable for at least the reasons discussed with respect to the independent claims and Applicants request withdrawal of the rejections thereof.

Claim Rejections – Section 103

Claim 22 over Hillstead in view of Song

The Office Action rejected claim 22 over Hillstead in view of Song. This rejection is *traversed*.

Claim 22 depends from independent claim 19. Song does not remedy the deficiencies of Hillstead as discussed with respect to independent claim 19. Consequently, neither Hillstead nor Song, whether considered independently or in combination, teaches or suggests

what is claimed claim 22 and Applicants request withdrawal of the rejection thereof.

Claims 28 and 29 over Hillstead in view of Wiktor

The Office Action rejected claims 28 and 29 over Hillstead in view of Wiktor.

This rejection is *traversed*.

Claims 28 and 29 depend from independent claim 26. Wiktor does not remedy the deficiencies of Hillstead as discussed with respect to independent claim 26. Consequently, neither Hillstead nor Wiktor, whether considered independently or in combination, teaches or suggests what is claimed claims 28 and 29 and Applicants request withdrawal of the rejections thereof.

Conclusion

Based on at least the foregoing remarks, Applicants request withdrawal of the rejections and allowance of claims 19, 21-24, 26-35, and 39-42. Favorable consideration and prompt allowance of these claims is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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